REMARKS

This Response is submitted in response to the Examiner's Office Action of May 10, 2004 and is believed to be fully responsive thereto. No new matter has been added to the application. It is believed that the claims define over the art, either when the art is individually considered or even if combined with one another. In the absence of an uncovering by the Examiner of new non-cumulative prior art, this application is believed allowable. Prompt and favorable action is requested and believed warranted.

First, the drawings were objected to as being unclear. Applicant submits a set of formal drawings which are clear. These are the same drawings submitted on behalf of the corresponding PCT application which have been accepted by the USPTO for that case.

More substantively, Claims 1-26 have been examined. Claims 1-8, 11-13, and 15-23 were rejected under 35 USC §103(a) as being unpatentable over US Patent No. 6,609,385 to Ferris in view of US Patent No. 4,338,793 to O'Hern. Claims 9, 24, and 25 were rejected under §103(a) as being unpatentable over Ferris in view of O'Hern and further in view of US Patent No. 6,089,032 to Trachtenberg. Finally, Claims 10, 14 and 26 have been rejected under §103(a) as being unpatentable over Ferris in view of O'Hern and Trachtenberg and further in view of US Patent No. 6,260,739 to Hsiao. Applicant respectfully traverses these rejections with the argument set forth below.

Concerning the first rejection of Claims 1-8, 11-13, and 15-23, the Examiner maintains that Ferris teaches, among other things, a hose having a t-fitting and a check valve disposed in the hose, the fitting being connected to a pressure gauge. Applicant respectfully points out that Ferris is not appropriate prior art for several reasons. First, Applicant notes that Applicant conceived of and reduced to practice the instant invention prior to the filing date of the Ferris patent. Applicant is currently preparing a Declaration under 37 CFR § 1.131 to that effect; the person with the most knowledge about the conception and reduction to practice of the invention has been away for most of the past few months in China. However, he has indicated to the undersigned that the development of the invention commenced at least as early as March 2002, and possibly as early as November 2001, both well prior to the October 2002 filing date of the Ferris patent.

Moreover, the Ferris patent fails to teach or suggest the claimed invention, since the check valve in Applicant's claimed invention is integral with and internal to the T-connector. Note Claim 1, for example, which recites "...a T-connector disposed in said hose having ...a check valve...." Independent Claims 13, 18, and 24 have similar language. There is no discussion of how check valve 28 of Ferris is actually connected to the system; the Ferris patent states merely that "check valve 28 [is] connected in the hose 20 between the pressure gauge 26 and the shutoff valve 24." (Ferris, col. 3, lines 4-6.) Indeed, Applicant suggests that the provision of a check valve "in the hose" with no other connecting structure is untenable and is likely to fail. Applicant is the first to invent the novel and non-obvious T-connector with integral check valve; none of the cited prior art (either cited by the Examiner or by Applicant) has this feature.

The Examiner cited the O'Hern patent to make up for the deficiencies of the Ferris patent. Applicant respectfully disagrees and submits that the O'Hern reference also fails to teach or suggest the claimed invention. First, O'Hern does not teach or suggest a T-connector having an integral check valve of any type. Instead, O'Hern shows a T-connector having an adaptor 32 for opening a system Schrader valve (22), not a structure for closing off flow. Also, despite the Examiner's contention that O'Hern shows anything to be old "in the vehicle A/C recharging art" (Office Action, page 3, line 5), Applicant respectfully points out that O'Hern has nothing at all to do with vehicular or automotive air conditioning systems, or any words to that effect; O'Hern is completely devoid of any notion of its teachings being associated with automotive or vehicular systems. By contrast, all of the instant claims recite "[a] device for servicing an automobile air conditioner," "[a] portable device for measuring an amount of refrigerant in an automobile air conditioner and adding additional refrigerant thereinto in an after-market environment," or "[a] T-connector junction adapted to charge an automobile air conditioner in an after-market environment...." Such recitation puts the teachings of O'Hern out of the field of the claimed invention.

Applicant notes that these limitations are in the preamble of the claims, however their placement there has no bearing on whether they are limitations of patentable weight; they are. There is no "litmus test" as to whether limitations in a preamble are patentable. *Catalina Marketing Int'l v. Coolsavings.com Inc.*, 289 F.3d 801, 62 USPQ2d 1781 (Fed. Cir. 2002).

Whether to treat a preamble as a limitation is a determination resolved only on review of the entire patent application to gain an understanding of what the inventors actually invented and intended to encompass by the claim. *Id.*, citing *Corning Glass Works v. Sumitomo Electric U.S.A., Inc.*, 868 F.2d 1251, 1257, 9 USPQ2d 1962, 1966 (Fed. Cir. 1989); and *Applied Materials, Inc. v. Advanced Semiconductor Materials Am., Inc.*, 98 F.3d 1563, 1572-73, 40 USPQ2d 1481, 1488 (Fed. Cir. 1996). Whether a preamble stating the purpose and context of the invention constitutes a limitation of the claimed process is determined on the facts of each case in light of the overall form of the claim, and the invention as described in the specification. *Applied Materials*, at 1573. A preamble limits the invention if it recites essential structure or steps, or if it is necessary to give life, meaning, and vitality to the claim. *Pitney Bowes, Inc. v. Hewlett-Packard Co.*, 182 F.3d 1298, 1309, 51 USPQ2d 1161, 1169 (Fed. Cir. 1999).

In the *Corning Glass* case, the preamble in question merely recited "[a]n optical waveguide, comprising:". The Federal Circuit stated that such a recitation does not merely state a purpose or intended use for the claimed structure, and must be given patentable weight. Similarly, in this application, since the claims are all directed to a device for servicing an automobile air conditioner, and since the application takes great pains in limiting the scope of the discussion to servicing an automobile air conditioner, such recitation must be given patentable weight. Consequently, the O'Hern patent is of no moment to the instant application and invention.

The remaining cited art also fails to make up for the deficiencies in Ferris and O'Hern as concerning the above. Moreover, Applicant notes that the Trachtenberg patent and the instant application are commonly owned by the same entity, Interdynamics, Inc.

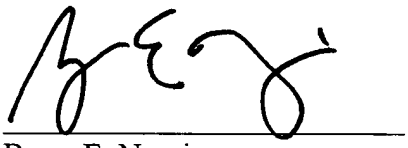
Applicant also points out that an additional, separately patentable feature is recited in Claims 12 and 21: that the gauge and T-connector main body are rotatable with respect to the hose. This is accomplished by the provision of two stems which are rotatably disposed in the two ends of the T-connector main body. There is absolutely no mention of such structure in either Ferris or O'Hern (or any of the other references). Ferris simply shows a pressure gauge connected "in the hose." O'Hern shows a T-connector having threaded ends for threadedly securing to a Schrader valve; however, that does not make the T-connector or gauge rotatable with respect to the hose. Indeed, if one were to rotate the gauge/T-connector with respect to the

hose, one would be either loosening or tightening the seal of the T-connector with respect to its adjacent parts, with potentially disastrous consequences.

In view of the foregoing, Applicant submits that Claims 1-26 recite patentable subject matter and that the application is in condition for allowance. **Applicant respectfully requests a telephonic interview with the Examiner to discuss any further changes that might be deemed necessary.** Prompt and favorable action toward the issuance of a patent is earnestly solicited and believed to be fully warranted. Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any additional required fee, except for the Issue Fee, for such extension may be charged to Deposit Account No. **02-2105.**

Dated: October 12, 2004

Respectfully submitted,



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